

The Global Politics of Refugee Protection and Return

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The main structures of the international refugee regime started to emerge soon after the end of World War II, linked with the forced displacement, expulsion, and deportation of millions of people during the war. [The 1951 Convention](#) forms the backbone of the international refugee regime, the core principle of which is non-refoulement. According to the convention, no reservations may be made to the principle of non-refoulement, forbidding the countries of asylum from expelling or returning the refugees to territories where their lives will be threatened.

The UN Refugee Agency (UNHCR), created in 1950 with the mandate to protect and assist refugees, promotes three durable solutions for refugees: voluntary repatriation; local integration into the country of asylum; and resettlement of refugees in a third country. Therefore, voluntary, safe and dignified return is one of the durable solutions to forced displacement and, thus, hosting states have the responsibility to provide international protection to refugees until the conditions for voluntary repatriation are met. Premature or forced return that is falling short of international standards would mean a violation of the principle of non-refoulement. Current global governance of forced displacement impeding seeking asylum, delaying resettlement, and facilitating return ends up violating the very founding principles of the international refugee regime while exposing refugees and asylum-seekers to violence and higher risks.

Historical Overview: From “Resettlement” to “Repatriation”

The history of durable solutions to forced displacement could be divided into two phases. While during the period between 1945 to 1985 [resettlement](#) was the main solution that was promoted, in the second phase repatriation became the preferred solution. The predominant durable solution to refugee crises within the Cold War context could also be referred to as the [“exilic model”](#), focusing on solutions outside the country of origin, as the return was not a viable option for refugees coming either from communist or war-torn and poor countries. Throughout the Cold War years, particularly from the 1970s onwards, as refugee crises erupted out of Europe as a result of proxy wars, the mandate of the UNHCR has been extended and its reach was expanded out to a growing number of refugees in different parts of the world.

Between 1985-1993 [“voluntary” repatriation](#) was the main solution endorsed by the West. However, with the introduction of “safe return” in 1993 during the war in former Yugoslavia within a new international order framed on a North-South axis, the emphasis shifted towards “involuntary repatriation”. The concept of safe

return allowed the refugee-hosting states to withdraw refugee status based on the assessment of conditions in the country of origin of the refugees. This was in line with a shift of emphasis in the Global North [from international protection to the containment of refugee crises and from durable to temporary solutions](#). The definition of the country of origin as the main party to be blamed for displacement, justified the preference for containment, temporary protection, and repatriation options, while also relieving other states of their responsibility to provide international protection. Alongside safe return and safe country of origin, terms such as [“safe havens/zones”](#) or [“humanitarian corridors/zones”](#) started to be increasingly used and turned into the basic features of the changing international refugee regime. As the international community adopted a more interventionist attitude and involuntary repatriation was growing globally, the UNHCR introduced the [“imposed return”](#) in 1996. Within this context, while it was rather the UNHCR that assessed whether the conditions are viable for return and not the refugees, [repatriation “under less than ideal conditions”](#) started undermining the principle of non-refoulement. Therefore, in the post-Cold War era, the [“source-country model”](#) became dominant and the emphasis shifted to the return of the displaced populations to their country of origin. This model was put into use in four humanitarian emergencies of the 1990s, namely Iraq (1991), Haiti (1992-94), Bosnia (1992-95), and Rwanda (1994-96).

Global Refugee Governance: Responsibility-Shifting and Inducing Return

As the founding states of the international refugee regime started to shy away from their responsibility to provide international protection, lower- and middle-income countries mainly in the Global South turned into refugee-hosting countries. It is also possible to observe the growing impact of political rather than humanitarian concerns on emphasizing refugee return, as the UNHCR’s assistance programs shifted from the country of asylum to country of origin. The “war on terrorism” led to a new paradigm change in response to refugee crises from the 2000s onwards, which was followed by a significant drop in the number of asylum applications lodged in the Global North and the enhancement of border management capabilities. The [“security model”](#) considerably restricted the right to asylum while refugees were increasingly securitized and criminalized.

The Syrian refugee crisis, which constitutes the largest displacement crisis of our time, started in early 2011. In the face of growing refugee flows to Europe, particularly after the summer of 2015 when a large number of asylum-seekers and refugees alongside Syrian refugees sought to arrive in the EU countries irregularly, the states in the Global North started to opt for [“management”](#) of refugee flows to render the movement of the displaced people more predictable, orderly and organized through resettlement programs, humanitarian visa systems and implementation of repatriation programs in collaboration with the countries of origin. [The Global Compact on Refugees](#) signed under the UN auspices in December 2018, following the 2016 New York Declaration for Refugees and Migrants, as well as the first Global Refugee Forum convened in Geneva in December 2019, with a focus on refugee protection, settlement, and return could be seen within this framework.

In its current form, the global refugee regime has been shaped by neoliberal management logic and tainted by the [“global solidarity crisis”](#). As the countries in the Global North are seeking to contain the refugee crises by keeping the refugees in the neighbouring countries, encouraging return emerges as the main strategy of the host societies growing weary of an extended stay of refugees. The UNHCR, the EU, and other international actors also take a position supportive of “voluntary” return schemes. Voluntariness entails refugee consent, however today, we witness [the violation of international norms seeking to ensure voluntary repatriation](#), and the line between the “forcible” and “voluntary” return is increasingly blurred. The usage of the term “return” invariably masks what takes place; [expulsion](#). When those who are expelled from the receiving state or country of asylum are referred to as “returnees” even if they did not choose to return, the risks they are exposed to are rendered invisible. Varying forms of coercion are used by the host states to make the refugees “choose” to return, even if conditions are not ripe such as closing the refugee camps, reducing assistance, restricting rights, and/or harassment.

Syrian Refugee Crisis and the Premature Return

The Syrian refugee crisis is in its tenth year, with [5.6 million refugees and 6.2 million IDPs](#). The neighbouring countries, Turkey, Lebanon, Jordan, and Iraq, have initially welcomed millions of Syrian refugees, sought to provide relief, and adopted certain measures to accommodate the Syrians in their societies. However, the protraction of the Syrian displacement crisis and its political, economic, and social implications led to a growing resentment against the Syrian refugees.

As the founding members of the international refugee regime in the Global North are seeking to contain the Syrian refugee crisis in the neighbouring countries, encouraging return emerges as the main strategy of the host societies growing weary of an extended stay of refugees. After the Assad regime regained control over most of Syria in 2018, the Syrian refugees in neighbouring countries have come under mounting pressure to return to Syria, even if the conditions of safe return are not yet in place. Despite the aid funding shortages, cuts in aid programs, growing restrictions, and hardships in their access to employment and housing as well as the incentives introduced by the national and local governments, many of the refugees, who risked their lives to run away from the persecution by the Assad regime are not willing to go back to Syria as long as he is in charge.

UNHCR does not consider the current situation in Syria as conducive to voluntary repatriation and does not promote refugee return to Syria. However, refugees continue to return on their own or assisted by host country organizations, despite significant doubts over the extent to which the ongoing returns are voluntary. According to the UNHCR figures, from the beginning of 2017 to the end of 2018 [107,000 Syrian refugees have “voluntarily” returned to Syria](#). Moreover, one of the basic pillars of the [“Comprehensive Protection and Solutions Strategy: Protection Thresholds and Parameters for Refugee Return to Syria”](#) issued by UNHCR in February 2018 is planning for the “voluntary, safe, and dignified return” of Syrian refugees. The 2018 Global Compact on Refugees is also supportive of voluntary return schemes.

The Impact of COVID-19 on Forcibly Displaced Persons and the Global Refugee Regime

Before COVID-19 moved on top of the agenda in the whole world and Europe became the epicenter of the pandemic, what dominated the EU agenda was the future of the Turkish-EU refugee deal. Turkey, which initially adopted open-door policy and has been hosting the highest number of refugees for the last six consecutive years, has recently reversed course. Turkey started its Peace Spring operation on 9 October 2019 with a plan to create a 30 kilometers area in Northern Syria to settle up to two million Syrian refugees living in Turkey. Moreover, Turkey facing the growing likelihood of arrival of refugees from the Idlib province due to the advance of the Assad regime towards Idlib, demanded responsibility-sharing from the EU. Feeling left alone Turkey decided to suspend the 2016 EU-Turkish refugee deal and allow the migrants and asylum-seekers to cross the Turkish-Greek border. As the EU's refugee containment strategy was challenged with Turkey's move, the EU demanded Greece to reinforce its border to push back the migrants and asylum-seekers to Turkey, which led to the [killing of three asylum-seekers](#). Simultaneously, the EU member states started to suspend refugee relocation and resettlement, extending the period that asylum-seekers would stay in overly crowded camps and be exposed to unhealthy conditions, and support the return of refugees in their countries to their home countries of origin.

COVID-19 severely affected human mobility all around the world, as lockdown measures and travel bans have been imposed to contain the spread of the virus. Despite limitations on human mobility, there are reports about the host states in different parts of the world that use forced return of refugees and pushbacks of irregular migrants and asylum-seekers at the borders as a measure to combat COVID-19. During the pandemic, while many of the EU member states did not carry out returns, no member state adopted a policy of halting returns, not even temporarily. Rather than postponing returns, both member states such as Germany and the EU Commission declared that refugee return should continue to the extent it is possible.

[Forced returns during the pandemic](#) while increasing the risk of further spreading the disease, put the health of refugees, public authorities, health, and social workers as well as the communities in the country of origin into risk. The health systems of the countries of origin of the refugees are already under strain and refugees that are repatriated may face additional health risks while they fail to access health care, sanitation, shelter, clean water, and information about the disease. The Trump administration's decision to expel unauthorized migrants from the US southern border to contain the spread of the virus, "[exported](#)" the virus to the countries of origin. 20% of the COVID-19 infections in Guatemala have been due to deportations from the US. The Afghan deportees from the EU member states, Turkey, Iran, and Pakistan to Afghanistan claim to have faced enormous hardships in accessing health care, COVID-19 tests, work, information, or any kind of assistance upon return. The Ministry of Migration of [Afghanistan](#) has asked the European countries to suspend

returns, as returnees strain the already very limited resources of the country to deal with the health crisis.

As the world is shaken by a health crisis and economic downturn the host-states should seek to officially halt returns as a show of respect to fundamental human rights and solidarity. Moreover, if voluntary returns cannot be carried out due to the pandemic, [detention](#) becomes baseless and unlawful. Therefore, migrants and refugees should not be detained and should be provided shelter and assistance upon release. Rather than return and detention, migrants' and refugees' access to health care and support mechanisms should be the priority.

